



Louis S. Ederer
Louis.Ederer@apks.com
+1 212.836.8144
+1 212.715.1399 Fax
250 West 55th Street
New York, NY 10019-9710

January 23, 2017

VIA ECF

Honorable James L. Cott
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1360
New York, NY 10007-1312

Re: RCRV, Inc. d/b/a Rock Revival v. Federal Jeans, Inc., 16 Civ. 3736 (GBD)(JLC)

Dear Judge Cott:

We write to inform the Court that Defendant Federal Jeans, Inc. (“Federal”) is once again in violation of its discovery obligations in the above-referenced matter. This time, Federal is refusing to provide Plaintiff with unredacted copies of its document productions. We request that the Court now order Defendants to do so, on penalty of sanctions.

As the Court will recall, during the December 19, 2016 telephone conference, Plaintiff argued that Defendant had improperly redacted information related to the manufacturers of the designs at issue in this matter. In response, Your Honor directed the parties to enter into a protective order (*see* Dkt. 38), so that Federal could produce its documents containing such information in unredacted form. Consistent with Your Honor’s Order, the parties submitted a proposed protective order to the Court on December 21, 2016, and the Court entered that order on December 22, 2016. *See* Dkt. 39. At no time did Defendant’s counsel make any argument that Federal was entitled to continue to withhold its manufacturer information once a protective order was in place.

Since the Court’s entry of a protective order, however, we have contacted counsel for Defendant on several occasions to request unredacted copies of the portions of its documents referring to Defendant’s manufacturers. *See* Ex. A (production excerpts). Defendant’s counsel’s only response, however, has been that Your Honor “never ruled on [Plaintiff’s] right to unredacted documents and I never agreed to give them”; other than that, counsel has ignored our requests. Given the context of Your Honor’s ruling during the December 19, 2016 telephone conference, counsel for Defendant is clearly incorrect, since that was the entire impetus for the Court’s order. Therefore, we respectfully request that Defendant be ordered to immediately produce unredacted copies of the portions of its previously produced documents that refer to the manufacturers of the designs at issue, on penalty of sanctions under FRCP 37.

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We thank the Court for its consideration of this matter.

Respectfully submitted,

ARNOLD & PORTER KAYE SCHOLER LLP

A handwritten signature in cursive script, reading "Louis S. Ederer", written in dark ink. The signature is positioned above a horizontal line.

Louis S. Ederer

Enclosure
cc: All ECF Counsel

Exhibit A

4/23



TO FEDERAL JEANS
215 WEST 40TH STREET, 6TH FLOOR
NEW YORK, NY 10018

DATE 8-Jul-15

INVOICE # [REDACTED]

QTY/PCS	PO#	STYLE#	DESCRIPTION	UNIT PRICE (LDP)	AMOUNT
[REDACTED]					

TO FEDERAL JEANS
215 WEST 40TH STREET, 6TH FLOOR
NEW YORK, NY 10018

DATE 8-Jul-15

INVOICE #

QTY/PCS	PO#	STYLE#	DESCRIPTION	UNIT PRICE (LDP)	AMOUNT
3,648	FJ-112/03/15	RR20558J	PROTO#RBR-4583 GIRLS SKINNY (SEVEN / ZULILY) <i>3W</i>	\$6.60	\$24,076.80
Delivery to NY warehouse July. 13th, 2015.					
				TTL AMT	

Red
Panic

FR: [REDACTED]
TO: FEDERAL JEANS
215 WEST 40TH STREET, 6TH FLOOR
NEW YORK, NY 10018

CONTAINER#:

[illegible]